

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

BCBSM, INC., d/b/a BLUE CROSS and
BLUE SHIELD OF MINNESOTA, on
behalf of itself and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,
PHOENIXUS AG, MARTIN SHKRELI,
and KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

PROPOSED ORDER

Having reviewed the motion by Plaintiff BCBSM, Inc., d/b/a Blue Cross and Blue Shield of Minnesota (“Plaintiff”), on behalf of itself and those similarly situated, to (1) consolidate any related indirect purchaser class actions subsequently filed in or transferred to this Court with this action; and (2) appoint Robins Kaplan LLP as Interim Lead Counsel for the proposed Indirect Purchaser Class:

IT IS HEREBY ORDERED THAT:

1. Pursuant to Federal Rule of Civil Procedure 23(g), Robins Kaplan LLP has satisfied the requirements of Federal Rule of Civil Procedure 23(g)(1)(A) and shall be appointed Interim Lead Counsel for the putative class(es) of indirect purchasers of Daraprim (“the Indirect Purchaser Class”).
2. Interim Lead Counsel shall be generally responsible for coordinating activities during pretrial proceedings and shall:

- a. Determine and present (in briefs, oral argument, or other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of Plaintiff and the Indirect Purchaser Class on all matters arising during pretrial proceedings;
- b. Coordinate the conduct of discovery on behalf of Plaintiff and the Indirect Purchaser Class consistent with the requirements of Federal Rule of Civil Procedure 26, including preparation of interrogatories and requests for production of documents and the examination of witnesses in depositions;
- c. Conduct settlement negotiations on behalf of Plaintiff and the Indirect Purchaser Class;
- d. Enter into stipulations as necessary with opposing counsel for the conduct of the litigation; and
- e. Perform such other duties as may be incidental to the proper coordination of pretrial activities or authorized by future order of the Court.

3. Pursuant to Federal Rule of Civil Procedure 42(a), any related class actions brought on behalf of indirect purchasers of Daraprim subsequently filed in or transferred to this Court will be consolidated with this action, and the appointment of Robins Kaplan LLP as Interim Lead Counsel shall apply to any such subsequently filed actions.

4. Counsel for the Plaintiff shall notify the Court of the filing or transfer of any new related actions that it believes should be consolidated with this action pursuant to this Order. If another action is consolidated with this action, counsel for the parties shall promptly confer and Plaintiff shall advise the Court regarding a proposed consolidation procedure, including, if necessary, the filing of a consolidated amended complaint and the creation of a master docket.

So ordered.
Janice C. K.
5/6/21

SO ORDERED,

DENISE COTE
United States District Judge